

REMARKS

By an Office Action dated November 25, 2002 in the file on this application the Examiner rejected all of the impending claims in this application under 35 U.S.C. § 112 first and second paragraph. Reconsideration of the merits of this patent application is respectfully requested in view of this Response. A Request for Continued Examination is also submitted herewith.

The Applicant has amended Claim 1 to specifically to recite that an antibody to an epitope on the surface of the virus is obtained. Applicant believes the scope of this claim is fully in commencement with requirements of 35 U.S.C. § 112. The identification of such an epitope or a virus, and the raising of an antibody against such an epitope, is well within the ambit one of ordinary skilled art at the time this invention was made. The Examiner has cited no art or reasoning to question this premise. Accordingly, since there is no prior art demonstrating the association of this virus with obesity, and therefore no prior reason to conduct such a test, it is believed that this application is both novel and commenced in scope with that which the applicant has enabled.

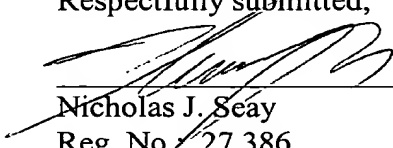
Claim 6 has been similarly amended.

Claim 5 has been amended to recite specifically that a DNA probe is used to probe a nucleic acid sample from subject. Again it is believed that the creation and detection of specific DNA probes specific to us pathogen, such as adenovirus type 36P, is well within the ability of one of ordinary skill in the art. Accordingly, it is believed that this claim is also appropriate in scope and patentable to the applicant here.

In view of these amendments to the claims, reconsideration to the merits of this application is respectfully requested.

Wherefore the Examiner is respectfully once again to revisit the merits of this patent application. A separate petition for extension of time is submitted herewith so that this response will be considered as timely filed.

Respectfully submitted,



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